

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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LUKE ATWELL,	:	
	:	Civil No. 19-13456 (FLW)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
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Petitioner, Luke Atwell (“Petitioner”), is presently serving a criminal sentence imposed by this Court after he was found guilty, following a jury trial, of knowingly and intentionally conspiring to distribute a controlled substance in violation of 21 U.S.C. § 846. Petitioner has filed a Motion to Vacate, Set Aside, or Correct a Sentence, pursuant to 28 U.S.C. § 2255. (*See* ECF No. 1.) The Court previously provided Petitioner with the required notice under *United States v. Miller*, 197 F.3d 644 (3d Cir. 1999) and provided him with 45 days to elect to proceed on his motion as filed or to withdraw his motion and submit an amended motion. The time to respond has expired. (ECF No. 2.) As explained in the Court’s prior Order, the Court construes Docket Entry Number 1 as Petitioner’s all-conclusive § 2255 motion.

The Court has screened the Motion for summary dismissal pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Court, and concluded that it does not “plainly appear[] from the Motion, any attached exhibits and the record of prior proceedings that the moving party is not entitled to relief . . .”; accordingly,

IT IS on this 7th day of October, 2019,

ORDERED that Respondent shall file a full and complete answer to the Motion (ECF No. 1) within 45 days of the entry of this Order; and it is further

ORDERED that Respondent shall raise by way of its answer any appropriate defenses that it wishes to have the Court consider, including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that the answer shall be accompanied by certified copies of all notices, opinions, documents, transcripts or recordings of any proceedings, including all documentation that may be material to the questions raised in the Motion; however, in lieu of providing certified copies, the Government may cite to the criminal docket by referencing the ECF docket entry number and the page; and it is further

ORDERED that Petitioner may file and serve a reply in support of the Motion within 45 days after the answer is filed; and it is further

ORDERED that the Clerk shall send a copy of this Order to Petitioner at the address on file.

/s/ Freda L. Wolfson
FREDA L. WOLFSON
U.S. Chief District Judge